

HOUSE BILL 977

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1lr1562

By: **Delegates Olszewski, Aumann, Barnes, Bates, Boteler, Branch, Bromwell, Cardin, Clagett, Clippinger, DeBoy, Elliott, Frank, George, Glass, Guzzone, Haddaway-Riccio, Healey, Hershey, Hixson, Howard, Impallaria, Kipke, Luedtke, McMillan, A. Miller, Minnick, Myers, O'Donnell, B. Robinson, Rosenberg, Ross, Schuh, Schulz, Serafini, Smigiel, Stocksdale, Stukes, Summers, Walker, Weir, and Wood**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Enrollment and Transfer – Parental Decision**

3 FOR the purpose of authorizing the parent or guardian of a student eligible for
4 enrollment in certain public schools to decide to enroll the student in a public
5 school in the county other than the public school to which the student was
6 assigned by a county board of education beginning in a certain school year;
7 requiring a county board to publish certain classroom seat information on or
8 before a certain date each year; requiring certain classroom seats to be open to
9 certain students on a space-available basis; requiring certain schools to enroll
10 and admit certain students on a lottery basis under certain circumstances;
11 requiring each county board to develop and adopt a certain process on or before
12 a certain date; authorizing certain students to attend certain schools for a
13 certain period of time; requiring a certain parent or guardian to sign a certain
14 form regarding the transportation of a certain student; providing that certain
15 provisions of law may not be construed to affect certain students who enroll or
16 transfer schools under other provisions of law or a certain federal law; and
17 generally relating to a parent or guardian's decision to enroll or transfer a
18 student in public schools.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 4-109
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2010 Supplement)

24 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 4–110
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Education**

8 4–109.

9 (a) Subject to approval by the State Superintendent and in accordance with
10 the applicable bylaws, rules, and regulations of the State Board, a county board may
11 establish a public school if, in its judgment, it is advisable.

12 (b) On approval by the State Superintendent, any school established under
13 this section becomes a part of the State program of public education.

14 (c) With the advice of the county superintendent **AND SUBJECT TO § 4–110**
15 **OF THIS SUBTITLE**, the county board shall determine the geographical attendance
16 area for each school established under this section.

17 **4–110.**

18 **(A) BEGINNING IN THE 2012–2013 SCHOOL YEAR AND IN ACCORDANCE**
19 **WITH THIS SECTION, THE PARENT OR GUARDIAN OF A STUDENT ELIGIBLE FOR**
20 **ENROLLMENT IN A PUBLIC SCHOOL IN THE COUNTY MAY DECIDE TO ENROLL**
21 **THE STUDENT IN A PUBLIC SCHOOL IN THE COUNTY OTHER THAN THE PUBLIC**
22 **SCHOOL TO WHICH THE STUDENT WAS ASSIGNED BY THE COUNTY BOARD.**

23 **(B) (1) (I) ON OR BEFORE MAY 1 OF EACH YEAR, A COUNTY BOARD**
24 **SHALL PUBLISH THE NUMBER OF AVAILABLE CLASSROOM SEATS AT EACH**
25 **PUBLIC SCHOOL IN THE COUNTY.**

26 **(II) THE AVAILABLE CLASSROOM SEATS PUBLISHED UNDER**
27 **SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE OPEN TO ALL STUDENTS IN**
28 **THE COUNTY ON A SPACE–AVAILABLE BASIS.**

29 **(2) A PUBLIC SCHOOL SHALL ENROLL STUDENTS AND ADMIT**
30 **TRANSFER STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN**
31 **CAN BE ACCOMMODATED WITHIN A SCHOOL’S AVAILABLE SPACE.**

1 **(3) ON OR BEFORE JULY 1, 2012, EACH COUNTY BOARD SHALL**
2 **DEVELOP AND ADOPT A PROCESS TO IMPLEMENT THE STUDENT ENROLLMENT**
3 **AND TRANSFER REQUIREMENTS OF THIS SECTION.**

4 **(C) A STUDENT WHO HAS ENROLLED OR TRANSFERRED TO A SCHOOL**
5 **UNDER THIS SECTION MAY CONTINUE TO ATTEND THE SCHOOL UNTIL THE**
6 **STUDENT COMPLETES ALL GRADES OF THE SCHOOL.**

7 **(D) A PARENT OR GUARDIAN WHO DECIDES TO ENROLL OR TRANSFER A**
8 **STUDENT UNDER THIS SECTION SHALL SIGN A FORM REQUIRED BY THE COUNTY**
9 **BOARD ACKNOWLEDGING THAT THE PARENT OR GUARDIAN ASSUMES THE**
10 **RESPONSIBILITY AND COST OF TRANSPORTATION OF THE STUDENT TO AND**
11 **FROM SCHOOL.**

12 **(E) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT STUDENTS WHO**
13 **ENROLL OR TRANSFER UNDER OTHER PROVISIONS OF LAW OR THE FEDERAL**
14 **NO CHILD LEFT BEHIND ACT.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2011.